

ALLEGED SHIPMENT: On or about August 30 and October 6, 1945, by the Arizona Products Cannery Co., from Phoenix, Ariz.

PRODUCT: 1,564 cases, each containing 24 1-pound, 4-ounce cans, of pinto beans at Denver, Colo. Samples of the product were found to be decomposed and sour and to contain small stones.

LABEL, IN PART: "Schrock Brand Plain Pinto Beans [or "Pinto Beans in Chili sauce"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (849 cases) the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2) and (4), (1,483 cases) stones had been substituted in whole or in part for pinto beans and had been packed with the article so as to reduce its quality.

DISPOSITION: March 15 and April 2, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

9341. Misbranding of honey-flavored red beans. U. S. v. Miller's Groceteria Co. Plea of nolo contendere. Fine, \$1,100. (F. D. C. No. 16530. Sample Nos. 26412-H to 26414-H, incl., 26526-H, 26527-H, 26612-H to 26615-H, incl., 26716-H, 26717-H.)

INFORMATION FILED: November 23, 1945, District of Colorado, against the Miller's Groceteria Co., a corporation, Denver, Colo. It was charged that the defendant received in interstate commerce, on or about October 3, 1944, from the Otoe Food Products Co., Nebraska City, Nebr., a consignment of red beans which were misbranded; and that on or about February 5, 1945, the defendant delivered, for pay or otherwise, a number of cans of the product to various persons at its branch stores.

LABEL, IN PART: "Otoe Registered Brand * * * Honey Flavored Red Beans."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Honey Flavored," "Containing Honey," and "Honey flavor adds a new taste appeal," were false and misleading since they represented and suggested that the article contained an appreciable amount of honey; and that it had the flavor and taste of honey. The product contained little or no honey, and it did not have the flavor and taste of honey.

DISPOSITION: January 27, 1946. A plea of nolo contendere having been entered, the court imposed a fine of \$100 on each count, a total fine of \$1,100.

9342. Adulteration of soy beans. U. S. v. 4 Bags of Soy Beans. Default decree of condemnation and destruction. (F. D. C. No. 18761. Sample Nos. 14451-H, 14452-H.)

LIBEL FILED: December 29, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 23 and August 2, 1945, by the Soy Bean Products Co., from Chicago, Ill.

PRODUCT: 4 100-pound bags of soy beans at Cleveland, Ohio.

LABEL, IN PART: "Whitson's Soy Nuts," or "Soy Nuts Selected Soy Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: February 7, 1946. The sole interveners having withdrawn their claims, judgment of condemnation was entered and the product was ordered destroyed.

9343. Adulteration of diced carrots. U. S. v. 265 Cases of Diced Carrots. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18895. Sample No. 22096-H.)

LIBEL FILED: January 24, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 24, 1945, by the Friday Canning Corporation, from New Richmond, Wis.

PRODUCT: 265 cases, each containing 6 6-pound, 8-ounce cans, of diced carrots at St. Louis, Mo.

LABEL, IN PART: "Friday's Diced Carrots."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of sour and decomposed carrots.

DISPOSITION: March 14, 1946. The Friday Canning Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

9344. Misbranding of canned corn. U. S. v. 818 Cases and 870 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18850. Sample Nos. 30361-H, 30362-H.)

LIBEL FILED: January 21, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about November 16 and December 3, 1945, by the Eddington Canning Co., from Springville, Utah.

PRODUCT: 818 cases and 870 cases, each containing 24 cans, of corn at Denver, Colo. Examination showed that the product was short-weight.

LABEL, IN PART: "Eddington's Spring Kist Vacuum Packed Whole Kernel Golden Sweet Corn [or "Eddington's Utah Trail Golden Sweet Whole Kernel Corn Vacuum Packed"] Contents 12 Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 13, 1946. The Eddington Canning Co., claimant, having admitted the allegations of the libel, judgment was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

9345. Misbranding of mushrooms. U. S. v. Rocco Manfredi. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 16552. Sample Nos. 85220-F, 4058-H.)

INFORMATION FILED: October 4, 1945, Eastern District of Pennsylvania, against Rocco Manfredi, Toughkenamon, Pa.

ALLEGED SHIPMENT: On or about November 9, 1944, and March 7, 1945, from Avondale, Pa., to New York, N. Y.

PRODUCT: Mushrooms shipped in baskets.

LABEL, IN PART: (Portion) "3 Lb. Net Mushrooms." The remainder was unlabeled.

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of contents since a number of the baskets contained less than the declared weight of 3 pounds net; and the remainder of the baskets bore no label containing a statement of the quantity of the contents.

DISPOSITION: January 9, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$50 on each count, a total fine of \$100.

9346. Misbranding of fresh mushrooms. U. S. v. Super-Mushroom Corporation. Plea of guilty. Fine, \$200. (F. D. C. No. 16550. Sample Nos. 50998-F, 51000-F.)

INFORMATION FILED: January 29, 1946, District of Delaware, against the Super-Mushroom Corporation, Wilmington, Del., trading at Hockessin, Del.

PRODUCT: On or about November 8, 1944, from the State of Delaware into the States of New Jersey and New York.

LABEL, IN PART: (Portion) "3 Lb. Net Mushrooms."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since a portion of the product bore no label containing a statement of the quantity of the contents; and the remainder of the product contained less than the labeled weight, 3 pounds net.

DISPOSITION: April 25, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of \$200 was imposed.

9347. Adulteration of canned mustard greens. U. S. v. 49 Cases of Canned Mustard Greens. Default decree of condemnation and destruction. (F. D. C. No. 19075. Sample No. 30380-H.)

LIBEL FILED: February 12, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about January 29, 1946 by the Deck Brothers Produce Co., from Springfield, Mo.

PRODUCT: 49 cases, each containing 24 18-ounce cans, of mustard greens at Denver, Colo.